

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JULIA OSBORNE, Minor.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED
April 19, 2006

Petitioner-Appellee,

v

GLENDON OSBORNE,

Respondent-Appellant.

No. 266269
St. Clair Circuit Court
Family Division
LC No. 04-000596

Before: Murphy, P.J., and O’Connell and Murray, JJ.

MEMORANDUM.

Respondent appeals as of right from the order terminating his parental rights under MCL 712A.19b(3)(c)(i), (c)(ii), (g), and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that statutory grounds for termination had been established by clear and convincing evidence. MCR 3.977(J); *In re Sours Minors*, 459 Mich 624, 633; 593 NW2d 520 (1999); *In re Trejo Minors*, 462 Mich 341, 355; 612 NW2d 407 (2000). Respondent is currently imprisoned. The minor child became a ward of the court following a raid on respondent’s home in which the police found cocaine, marijuana, and loaded firearms. The primary condition that led to adjudication was respondent’s substance abuse. Although respondent admits that he has a drug problem, he contends that there was evidence that he was trying to “overcome” this problem. However, although respondent had participated in rehabilitation programs, testimony revealed that this condition continued to exist. Given respondent’s continued incarceration for drug charges, the trial court did not clearly err in finding that there was no reasonable likelihood that the condition would be rectified within a reasonable time. MCL 712A.19b(3)(c)(i).

The trial court also did not clearly err in terminating respondent’s parental rights under MCL 712A.19b(3)(g) and (j). Respondent failed to provide proper care and custody of his minor child by engaging in continued drug use and activity. Respondent’s repeated incarceration for drug charges also supports the finding that there was no reasonable likelihood that respondent would be able to provide proper care in the reasonable future. In addition, respondent’s failure to address his substance abuse posed a risk of harm to his child.

Although the trial court clearly erred in terminating respondent's parental rights under MCL 712A.19b(3)(c)(ii), because no conditions other than those existing at the time of adjudication were specified by the trial court or found in our review of the record, this error does not require reversal because the court also properly found other grounds for termination. *In re Powers Minors*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

Finally, no evidence demonstrated that termination of respondent's parental rights was clearly not in the child's best interests. MCL 712A.19b(5). Thus, the trial court did not clearly err in terminating respondent's parental rights.

Affirmed.

/s/ William B. Murphy
/s/ Peter D. O'Connell
/s/ Christopher M. Murray